

Amendment under 37 C.F.R. §1.114
Attorney Docket No. 053451
Application No. 10/560,033

REMARKS

Claims 1 and 3-14 are pending in the present application. Claims 1, 7, 11 and 12 are herein amended. No new matter has been presented.

Claim Rejections – 35 U.S.C. § 112

Claims 1 and 3-14 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Office Action states that the limitation “the multi-layered heat-shrinkable film has a haze value ... of 2.89 or below” is not supported in the original disclosure. (Office Action, page 2.)

Claims 1, 7, 11 and 12 have been amended to recite that the haze value is from 2.5 to 2.89%. This is supported in the specification (i) at page 41 which states the range of haze values of 2.5-2.7; and (ii) in Table 1 on page 25 which provides examples within the range of 2.56-2.89. The combination of disclosures (i) and (ii) supports the range 2.5-2.89.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 4-10 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over **Ishige** (US 2002/0155277) in view of **Arjunan** (WO 98/44043) and of **Ikeda** (US 6,214,476); claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over **Ishige** in view of **Arjunan** and **Ikeda** and in further view of **Tanaka** (US 5,695,838); and claims 11, 12 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over **Ishige** in view of **Arjunan** and **Ikeda** and in further view of **Hoffman** (US 4,416,714).

Favorable reconsideration is requested.

The claims have been amended to clarify the following features: (a) “a PET bottle onto which a multi-layered heat-shrinkable film of at least three layers is heat-shrunk”; and (b) “said multi-layered heat-shrinkable film is subjected to perforation processing.” The above feature (a) is described in the specification at page 26, line 16. And the above feature (b) is described in the specification at page 19, lines 10-11 of the specification.

As described in the specification page 1, line 25 to page 2, line 3, one of the main objects of the present invention is to enable consumers to dispose of the PET bottles and heat-shrinkable labels separately. Of course, it is assumed that a clear PET bottle is obtained. According to the currently amended invention, as expressly shown in page 26, lines 16-20 of the specification, the label is in tight contact with the bottle, and no whitening is observed in the hand-touched portion. In addition, the label is pleasant-looking having no wrinkles, spots, or the like. Furthermore, as well as providing the perforation, since the claimed film has a tear propagation strength in the longitudinal direction of from 800mN to 350mN, the characteristic effect is obtained that the film is easily removed manually off the container body. Since the label can be easily peeled off, the PET bottle can be easily recycled. The haze value of the claimed film is 2.5-2.7, and thus the printing on the back surface is clearly recognized. Furthermore, since the claimed film has the 90°C heat shrinkage in the lateral direction of 50% or more, it can be used for non-heat-resistance PET bottles, and the heat deformation of the PET bottles can be prevented at the time of the film application.

Applicants respectfully submit that none of the cited references teach or suggest: “A PET bottle onto which a multi-layered heat-shrinkable film of at least three layers is heat-shrunk,

Amendment under 37 C.F.R. §1.114
Attorney Docket No. 053451
Application No. 10/560,033

wherein said multi-layered heat-shrinkable film is subjected to perforation processing” as recited in amended claims 1 and 7, and similarly recited in amended claims 11 and 12.

Ishige does not disclose PET bottles to which its film is applied. Moreover, it does not also disclose a perforation processing.

Regarding Arjunan, Ikeda, Tanaka and Hoffman, these references also do not disclose PET bottles to which the film listed in each reference is applied. Moreover, they do not disclose a perforation processing. Hoffman discloses a machine for applying labels to articles such as containers, but does not disclose PET bottles. None of these references disclose or suggest problems in recycling of PET bottles and heat-shrinkable labels having a composition suitable for solving the problems.

Double Patenting

Claims 1 and 7 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 2 of copending Application No. **11/596,678** in view of **Ikeda** (US 6,214,476).

Applicants will address the provisional rejection once all other rejections have been withdrawn.

For at least the foregoing reasons, claims 1 and 3-14 are patentable over the cited references. Accordingly, withdrawal of the rejection of claims 1 and 3-14 is hereby solicited.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

Amendment under 37 C.F.R. §1.114
Attorney Docket No. 053451
Application No. 10/560,033

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

/Andrew G. Melick/

Andrew G. Melick
Attorney for Applicants
Registration No. 56,868
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

AGM/adp